



October 10, 2021

VIA ECF

The Honorable Philip M. Halpern
United States District Court
Southern District of New York
500 Pearl Street, Room 1950
New York, NY 10007

Application granted to file under seal (1) the unredacted opposition brief docketed at Doc. 68; and (2) the unredacted exhibits annexed to Doc. 66.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 65.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', written over a horizontal line.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
October 10, 2021

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Re: *Buffington v. Progressive Advanced Ins. Co.*, Case No. 20-cv-07408

Dear Judge Halpern:

Pursuant to Rule 5(B) of the Court's Individual Rules of Practice, Defendant Progressive Advanced Insurance Company ("Progressive") respectfully requests approval to redact and file under seal certain exhibits to Progressive's Opposition to Plaintiff's Motion for Class Certification (the "Opposition"), which Progressive will file on Monday, October 11, in accordance with the Court's Scheduling Order. Progressive also seeks approval to redact the portions of its Opposition that refer to redacted information within the exhibits. Progressive has met and conferred with Plaintiff's counsel who have indicated no objection to this request.

Specifically, Progressive seeks to redact and file under seal the following documents, each of which contains information that is protected pursuant to the Stipulated Confidentiality Agreement and Protective Order entered in this matter [ECF No. 38]:

- Plaintiff's declaration pages accompanying his automotive insurance policy [redacted]
- Plaintiff's lease agreement [redacted]
- September 2, 2021 Declaration of Denise N. Martin, Ph.D. [under seal]
- Transcript of the July 26, 2021 deposition of Robert Cannon [redacted]¹
- Declaration of Michael Silver, *Paris v. Progressive Am. Ins. Co.*, No. 19-21761 (S.D. Fla.) [redacted]

¹ Plaintiff previously filed a complete copy of this transcript under seal in connection with his Motion for Class Certification. Subsequently, pursuant to Plaintiff's August 27 letter to the Court [ECF No. 55], Progressive reviewed the sealed exhibits to Plaintiff's Memorandum of Law in Support of Plaintiff's Motion for Class Certification and the redactions to the Memorandum. On September 10, 2021, Progressive advised Plaintiff's counsel that it would withdraw confidentiality as to certain portions of Mr. Cannon's testimony, maintaining confidentiality as to specified portions identified by page and line. Progressive accordingly seeks to file a redacted version of the transcript to protect those portions as to which Progressive maintains confidentiality.

- Transcript of the Jan. 24, 2020 deposition of Michael Silver, *Paris v. Progressive Am. Ins. Co.*, No. 19-21761 (S.D. Fla.) [redacted]

Progressive has narrowly tailored its redactions to maintain the confidentiality of its nonpublic, competitively sensitive information as well as any information that may be characterized as personal identifying information related to its insureds. *See* ECF No. 38, ¶ 2 (identifying categories of protected “Confidential” information); *see also* Indiv. R. 5.

With this letter, Progressive will (a) publicly file each of the identified exhibits with the proposed redactions, and (b) electronically file under seal a copy of each of the unredacted exhibits with the proposed redactions highlighted. Progressive also will supplement this filing on Monday, October 11, with a publicly-filed, redacted version of its Opposition as well as an under-seal version with all redactions highlighted.

We appreciate the Court’s consideration of this request.

Respectfully submitted,



Stephanie E. Niehaus

cc: All Counsel of Record (via ECF)